

Amendment and Response

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Serial No.: 10/037,435

Confirmation No.: 4823

Filed: 31 December 2001

For: HYDROGEN PEROXIDE AND PERACETIC ACID INDICATORS AND METHODS

Remarks

The Office Action mailed 16 June 2006 has been received and reviewed. The disposition indicates that the pending claims are 1-27 and 38-58. However, claim 3 was canceled in the Amendment and Response filed on 10 March 2006. All the currently pending claims having been canceled, without prejudice, and claims 69-92 having been added, the pending claims are claims 69-92. Reconsideration and withdrawal of the rejections are respectfully requested.

Allowable Claims

The Examiner indicated that claims directed to the examples would be considered allowable. Claims 69, 70, and 85 are supported by: Example 1; Table: 1b Numbers: 1-5, 7-14, 16, 18-19, 21-23, 27-28, 30-31, 33-37, and 40; and Example 5, Table 5, Numbers 1-4 and 6. Claims 71, 72, and 86 are supported by: Example 6; Table: 6, Numbers: 1-6. Claims 73, 74, and 87 are supported by: Example 10; Table: 10, Numbers: 2-4. Claims 75, 76, and 88 are supported by: Example 2; Table: 2 Numbers: 1-16, 18-19, 21-23, and 25-40; and Example 7, Table 7, Numbers 1-4 and 6. Claims 77, 78, and 89 are supported by: Example 8; Table: 8 Numbers: 1-6. Claims 79, 80, and 90 are supported by: Example 3; Table: 3b Numbers: 1-6. Claims 81, 82, and 91 are supported by: Example 4; Table: 4, Numbers: 1-6. Claims 83, 84, and 92 are supported by: Example 9; Table: 9, Numbers: 1-6.

Interview Summary Record

Applicants thank the Examiner for the courtesy extended in the telephone interview of 31 August 2006 between Applicants' Representative, Ann M. Mueeting, and Examiner Lyle Alexander. The rejoinder of the claims and the art were discussed. No agreement was reached.

Obviousness-Type Double Patenting Rejections

Claims 1-27 and 38-58 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,790,411.

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Further, claims 1-27 and 38-58 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent Application No. 10/890,612. Upon an indication of otherwise allowable subject matter and in the event this rejection is maintained, Applicants will provide an appropriate response.

The 35 U.S.C. §112, Second Paragraph, Rejection

The Examiner rejected claims 1-27 and 38-58 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner alleged that all of the independent claims containing the limitations or a similar paraphrase "... one salt of a transition metal and the at least one colorant... wherein the at least one salt of a transition metal is not the at least one colorant..." are confusing due to the first portions claiming a metal salt/colorant and the latter portions stating that the metal salt is not part of the colorant. This rejection is rendered moot in view of the amendments presented herein. Applicants do not agree with the Examiner's comments, and reserve the right to present arguments in a continuing application.

The 35 U.S.C. §102 Rejection

The Examiner rejected claims 1-27 and 38-58 under 35 U.S.C. §102(b) as being anticipated by Barrett (U.S. Patent No. 5,955,025). This rejection is rendered moot in view of the amendments presented herein. Applicants do not agree with the Examiner's comments, and reserve the right to present arguments in a continuing application.

The 35 U.S.C. §103 Rejections

The Examiner rejected claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over Patel (U.S. Patent No. 5,420,000). This rejection is rendered moot in view of the amendments presented herein. Applicants do not agree with the Examiner's comments, and reserve the right to present arguments in a continuing application.

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The Examiner rejected claims 1-27 and 38-58 under 35 U.S.C. §103(a) as being unpatentable over Kirkof et al. (U.S. Patent No. 6,488,890), WO 98/58683, or Amhof et al. (U.S. Patent No. 6,238,623). This rejection is rendered moot in view of the amendments presented herein. Applicants do not agree with the Examiner's comments, and reserve the right to present arguments in a continuing application.

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It is respectfully submitted that the pending claims 69-92 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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Date

Sept 11, 2006

By:

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of September, 2006, at 7:40 pm (Central Time).

By:

Name:

Ann M. Mueting
Ann M. Mueting